

***REMARKS***

This is a full and timely response to the outstanding final Office Action mailed June 3, 2003.

**1. Present Status of Patent Application**

Upon entry of the amendments in this response, claims 1-20, 47-51 and 116-144 remain pending. In particular, Applicant has amended claims 116-117 and 120-121, cancelled claim 115 without prejudice, waiver, or disclaimer, and has added claims 125-144. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the cancelled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

**2. Allowed Claims 1-20 and 47-51**

Applicant acknowledges the Examiner's allowance of claims 1-20 and 47-51, as noted in paragraph 4 of the Office Action.

**3. Allowable Claims 121-124**

Applicant acknowledges the Examiner's conclusion that the subject matter of 121-124 is allowable, as noted in paragraph 5 of the Office Action. Applicant has amended claim 121 to include the limitations of its respective base claim 115. Applicant wishes to clarify that the amendment to claim 121 is made for purposes of better defining the invention, and not in response to any rejections made based on cited art. Because a dependent claim as a matter of law inherently contains all of the limitations of its respective independent claim, and any intervening claims, the amendment to claim 121 does not additionally narrow the scope of claim 121 in any manner. The amendments to claim 121, now in independent claim format, merely adds the text of limitations inherently included in claim 121 as originally filed. Accordingly, Applicant submits that no substantive limitations have been added to the amended claim 121. Therefore, no prosecution history estoppel should arise from this amendment.

**4. Response to Rejection of Claims 115-120 Under 35 U.S.C. §103**

In the Office Action, claims 115-120 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Eberhard et al.* (U.S. Patent 5,355,309) in view of *Yu* (U.S. Patent 5,345,319).

**a. Claim 115**

Claim 115 is cancelled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of this cancelled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled subject matter to the public.

**b. Claims 116-120**

Claims 116, 117 and 120 are amended herein to depend upon allowable amended claim 121. Because independent claim 121, as amended, is allowable over the cited art of record, dependent claims 116, 117 and 120 (which depend from independent claim 121) are allowable as a matter of law for at least the reason that the dependent claims 116, 117 and 120 contain all features/elements/steps of independent claim 121. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Similarly, dependent claims 118 and 119 (which depend from claim 117) are allowable as a matter of law for at least the reason that the dependent claims 118 and 119 contain all features/elements/steps of independent claim 121 and intervening claim 117. Accordingly, the rejection to these claims should be withdrawn.

**5. Newly Added Claims 125-144**

In the Office Action of November 18, 2002 (paper No. 5), the Examiner allowed claims 21-40. However, in the Applicant's response of February 17, 2003, the allowed claims 21-40 were cancelled without prejudice, waiver or disclaimer. The claims 21-40 were not cancelled in response to any rejection made based upon prior art. Therefore, no prosecution history estoppel arose therefrom.

During the Applicant's undersigned attorney's interview with the Examiner on July 7, 2003, the Examiner indicated that since claims 21-40 could not be properly reinstated, that

the claims should be resubmitted as newly added claims and accordingly renumbered, as provided under 37 C.F.R. 1.121(c)(2). Accordingly, Applicant is submitting new claims 125-144. New claims 125-144 correspond to the previously allowed claims 21-40, respectively. Applicant submits that no new matter has been added in the new claims 21-40. Because the subject matter of claims 125-144 has already been allowed, no further examination on the part of the Examiner is required. Therefore, Applicant respectfully requests entry and allowance of claims 125-144.

6. Surrender of Original Letters Patent

During the Applicant's undersigned attorney's interview with the Examiner on July 7, 2003, the Examiner indicated that the original letters patent granted to the Applicant have apparently not been surrendered as required under 37 C.F.R. 1.178(a). Applicant is presently searching archived document files and will submit the original letters patent before payment of the issue fee. Alternatively, in the event that the original letters patent cannot be located, Applicant will submit before payment of the issue fee a statement under 37 C.F.R. 1.178(a) stating that such original letters patent are not available.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20, 47-51 and 116-144 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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